

## **REMARKS**

In view of the above amendments and following remarks, reconsideration and further examination are requested.

By the current Amendment, claims 17-27 have been cancelled and claims 28-33 have been added so as to address the 35 U.S.C. § 112, second paragraph, rejection, and more clearly recite the inventive concepts of the invention.

Specifically, with regard to the Examiner's position that claim 17 is vague and indefinite because the relationship between the components in the inspection target solution and the marker reagent has not been properly defined, new claims 28 and 29 each recite

wherein said marker reagent is

- (1) a marked material that can be bonded to said measurement target in said inspection target solution, or
- (2) a marked material that can be bonded to and reacted with said immobilized reagent while said marked material is in said inspection target solution after having been eluted by said inspection target solution.

Such claim language is based on page 11, line 9, through page 12, line 16 of the original specification. Accordingly, the relationship between the components in the inspection target solution and the marker reagent is now more clearly defined in each of the independent claims.

With regard to the Examiner's inquiry as to what is in the second part of the development portion that allows it to immobilize the marker reagent, each of independent claims 28 and 29 recites

wherein said immobilized reagent is

- (1) a reagent that can be specifically bonded to said measurement target in said inspection target solution, or
- (2) a reagent that can be specifically bonded to said marker reagent.

This claim language is based on page 11, line 22 through page 12, line 16 of the original specification. Thus, each of independent claims 28 and 29 makes it clear as to how the marker reagent can be immobilized in the second part of the development portion.

With regard to the Examiner's position that claim 17 is confusing because there are two separate measuring steps that do not appear to relate to each other, it is respectfully submitted from a fair reading of claim 17 in conjunction with the specification, it is clear as to what is intended by claim 17. In any event, claims 28 and 29 recite the measuring steps in a manner that is believed to address the Examiner's concerns with regard thereto.

Similarly, with regard to the Examiner's position as to it being unclear as to exactly what is involved in the correcting step as recited in claim 17, Applicant is uncertain as to why confusion is raised. In any event, the "correcting step" has been rewritten in claim 28 as

correcting said bonding amount, on a basis of the amount of said marker reagent that has been eluted from said first part of said development portion as measured between said first and second parts, so as to obtain a corrected bonding amount that more accurately reflects the quality or quantity of said measurement target in said inspection target solution.

And, with regard to claim 29, the "correcting step" has been rewritten as

correcting said bonding amount, on a basis of the amount of said marker reagent that has not been eluted from first part of said development portion as measured in said region of said first part, so as to obtain a corrected bonding amount that more accurately reflects the quality or quantity of said measurement target in said inspection target solution.

Furthermore, with regard to the 35 U.S.C. § 112, second paragraph, issue raised in the third paragraph on page 3 of the Office Action, please note that this issue has been addressed by claiming where is measured the amount of the marker agent that has been eluted. In this regard, claim 28 recites

developing said inspection target solution on said development portion, and measuring, between said first and second parts of said development portion, an amount of said marker reagent that has been eluted from said first part of said development portion.

In view of the above, it is respectfully submitted that claims 28 and 29 are free of the 35 U.S.C. § 112, second paragraph, issues raised by the Examiner, and are otherwise believed to be in compliance with 35 U.S.C. § 112, second paragraph.

Claims 17-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over DeLaCroix et al. And, claims 17-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP '084. These rejections are respectfully traversed and the references relied upon by the Examiner are not applicable with regard to the newly added claims for the following reasons.

As for the rejection based on DeLaCroix et al., DeLaCroix et al. does not include a description that the bonding amount of the marker reagent is corrected on the basis of the amount of the marker reagent that has been eluted, or the amount of the marker reagent that has not been eluted.

In the present invention, the amount of the marker reagent that has been eluted (claim 28), or the amount of the marker reagent that has not been eluted (claim 29), for performing correction needs to be measured upstream of the immobilized reagent (the second part of the development portion), i.e. where measurement of the measurement target in the inspection target solution is performed.

As indicated by the Examiner, DeLaCroix et al. describes that the reaction component that has not yet reacted is measured downstream of the immobilized reagent on matrix 16. However, such a description does not reflect correction of this measured value, and indicates measuring a component that is not captured on matrix 16 as opposed to measuring a captured component on matrix 16.

In the present invention, the value used for correction is measured upstream of the second part of the development portion. Thus, quickly measured is the amount of the marker reagent that has been eluted, or the amount of the marker reagent that has not been eluted, which measurement is used to correct a value indicating a measurement at the second part of the development portion, so as to quickly obtain a measurement result of high accuracy.

Accordingly, DeLaCroix et al. is totally different from the present invention, whereby claims 28 -33 are allowable over this reference.

As for the rejection based on EP '084, this reference describes a measurement method of density of an analysis target in a biological fluid sample, and describes measuring first and second analysis objects in the biological fluid sample and correcting density of the first analysis object on the basis of the measurement result of the second analysis object. EP '084 further describes correcting inaccuracy of unequal flow at a matrix. This is based on reaction of an immobilized reagent and a marker reagent; however, EP '084 describes neither measuring the amount of the marker reagent that has been eluted, or the amount of the marker reagent that has not been eluted, upstream of the immobilized reagent. Additionally, EP '084 does not describe correcting a measured amount in an immobilized reagent part (i.e. that part which would correspond to the claimed second part of the development portion) on the basis of a measured amount of the marker reagent.

Furthermore, in EP '084, a measurement value used for correction is measured in a region where the amount of the immobilized marker reagent is measured (i.e downstream of second region 4, or more specifically, in third region 5, of the specimen).

To the contrary, in the present invention, the amount of the marker reagent that has been eluted or the amount of the marker reagent that has not been eluted, used for correction, is measured upstream of the second part of the development portion (i.e. upstream of where measurement of the measurement target in the inspection target solution is performed), thereby making it possible to quickly obtain a measurement result of high accuracy.

Thus, EP '084 is different from the present invention such that the effect of the present invention cannot be realized, whereby claims 28 -33 are allowable over this reference.

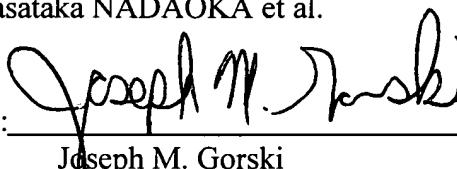
In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early Notice of Allowance is earnestly solicited.

If after reviewing this Amendment, the Examiner believes that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicants' undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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